

## BEFORE

## THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of United )  
 Telephone Company of Ohio dba Embarq )  
 for Approval of an Alternative Form of ) Case No. 09-151-TP-BLS  
 Regulation of Basic Local Exchange Service )  
 and Other Tier 1 Services Pursuant to )  
 Chapter 4901:1-4, Ohio Administrative Code. )

ENTRY

The attorney examiner finds:

- (1) On March 3, 2009, United Telephone Company of Ohio dba Embarq (Embarq) filed its basic local exchange service (BLES) application pursuant to Section 4927.03, Revised Code and Rule 4901:1-4-09, Ohio Administrative Code (O.A.C.). In the application, Embarq seeks approval of an alternative form of BLES and other Tier 1 services in the following exchanges: Bellefontaine, Eaton, Greenville, Mount Gilead, North Benton, Sunbury, West Manchester, Wauseon, and Hebron.
- (2) On March 4, 2009, the Office of the Ohio Consumers' Counsel (OCC) filed a motion to intervene in this proceeding.
- (3) By entry issued on March 9, 2009, the attorney examiner granted OCC's motion to intervene, and also established a procedural schedule with a March 27, 2009, deadline for service of discovery requests, as well as an April 17, 2009, deadline for filing objections to Embarq's application.
- (4) On March 20, 2009, OCC filed a motion seeking an expedited ruling to extend the March 27, 2009, deadline for serving discovery requests. In the motion and accompanying memorandum, OCC argues that extending the deadline would be consistent with the ten-day timeframe for discovery responses under Rule 4901:1-4-09(I), O.A.C., and with discovery deadlines in prior BLES alternative regulation cases. In addition, under standards set forth in Rule 4901-1-12(C), O.A.C., OCC stated that it could not certify that no party objected to an expedited ruling.

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To further justify its request, OCC contends that the discovery deadline of March 27, 2009, allows just twenty-four days to conduct discovery before the April 17, 2009, deadline for filing objections to Embarq's application. OCC contends that it needs to have adequate time to obtain and analyze data regarding the exchanges listed in Embarq's application, and that, under Rule 4901-1-17(G), O.A.C., the deadline for serving discovery should be extended to April 6, 2009.

Finally, asserts OCC, it has not yet finalized a protective agreement with Embarq, and therefore has not received the allegedly confidential information that was filed with Embarq's March 3, 2009, application. While hopeful that a protective agreement can be reached soon, states OCC, the March 27, 2009, deadline for serving discovery is imminent. In OCC's opinion, it is unlikely that it will have time to review the confidential information and prepare discovery requests in such a short time.

- (5) On March 23, 2009, counsel for Embarq informed the attorney examiner that Embarq did not object to the additional time that OCC had requested.
- (6) The attorney examiner finds OCC's motion to be reasonable and will, therefore, grant OCC's request. Accordingly, the deadline for serving discovery is rescheduled to April 6, 2009.

It is, therefore,

ORDERED, That OCC's motion to extend the deadline for serving discovery requests is granted, in accordance with Finding (6). It is, further,

ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

By: James M. Lynn  
James M. Lynn  
Attorney Examiner

gjt  
ct

Entered in the Journal

MAR 25 2008

Reneé J. Jenkins

Reneé J. Jenkins  
Secretary